



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: JULY 11, 2005

*U1.5*  
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-03  
421 CAMBRIDGE CIRCLE

DATE: JUNE 30, 2005

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754-5136

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## **DESCRIPTION**


The applicant is requesting approval of a variance from rear yard setback requirements (10 feet required; 3 feet proposed) to construct a patio cover behind a single-family residence.

## **APPLICANT**

Henry Rogers II is the applicant, representing property owners Martin and Kelli Stassel.

## **RECOMMENDATION**

Approve by adoption of Planning Commission resolution, subject to conditions.

  
WENDY SHIH  
Associate Planner

  
R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

**PROJECT DESCRIPTION/ANALYSIS**

The subject property is located at the end of a cul-de-sac and contains a single-family residence. The applicant requests a variance from rear yard setback requirements (10 feet required; 3 feet proposed) to construct a patio cover behind the residence.

The house is situated on an irregularly (triangular) shaped lot with the majority of the private open space or "rear yard" area provided to the right side of the house. This space contains a swimming pool; consequently, the only area available for a patio cover is behind the house. Since the residence is set back approximately 12 feet from the rear property line, the applicant cannot install a patio cover without encroaching into the required 10 foot rear setback area.

It is staff's opinion that the proposed 7-foot encroachment will not negatively impact the adjoining properties because it will be well integrated into the existing roof with materials to match. The patio is only approximately 16 feet wide and not enclosed by walls so as to reduce building mass as viewed from the adjoining property to the rear. A condition has been included requiring a land use restriction to be recorded against the property to provide notice that the patio shall not be enclosed. The proposed construction also meets rear yard coverage requirements (820 square feet allowed; 775 square feet proposed). Due to the unusual lot shape, the strict application of the 10-foot rear setback requirement would deprive the subject property of privileges enjoyed by other R1 (Single-Family Residential) zoned properties in the vicinity. The property owner directly behind the subject site has also reviewed the proposal and submitted a letter (attached to this report) to support the construction of the patio cover.

**ALTERNATIVES**

1. If the variance were approved, it would allow the construction of the patio cover as proposed.
2. If the variance is not approved, the patio cover could not be built as proposed. The applicant could not submit substantially the same type of design for six months.

**ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act.

**CONCLUSION**

Due to the irregular lot shape and existing improvements on the lot, a patio cover cannot be constructed without encroaching into the required 10-foot rear yard setback. The proposed patio cover is well integrated into the existing roof design and will not negatively impact the adjoining property to the rear.

Attachments: Draft Planning Commission Resolution  
Exhibit "A" - Draft Findings  
Exhibit "B" - Draft Conditions of Approval  
Applicant's Project Description and Justification  
Letter from adjoining property owner dated December 2, 2004  
Zoning/Location Map  
Plans

cc: Deputy City Mgr.-Dev. Svs. Director  
Assistant City Attorney  
Sr. Deputy City Attorney  
City Engineer  
Fire Protection Analyst  
Staff (4)  
File (2)

Martin Stassel  
450 Cambridge Circle  
Costa Mesa, CA 92627

Henry Rogers II  
1985 Church Street, #B  
Costa Mesa, CA 92627

File: 071105PA0503	Date: 062805	Time: 4:15 p.m.
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**RESOLUTION NO. PC-05-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-05-03**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Henry Rogers II for Martin and Kelli Stassel, with respect to the real property located at 421 Cambridge Circle, requesting approval of a variance from rear yard setback requirements (10 feet required; 3 feet proposed) to construct a patio cover behind a single-family residence; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 11, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-05-03 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-05-03 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 11<sup>th</sup> day of July, 2005.**

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Chair, Costa Mesa Planning Commission

*H*

STATE OF CALIFORNIA   )  
  )ss  
COUNTY OF ORANGE    )

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 11, 2005, by the following votes:

AYES:       COMMISSIONERS

NOES:       COMMISSIONERS

ABSENT:     COMMISSIONERS

ABSTAIN:    COMMISSIONERS

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Secretary, Costa Mesa  
Planning Commission

**EXHIBIT "A"****FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) in that because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications. Specifically, the lot is irregularly (triangular) shaped with majority of its private "rear yard" open space located to the right of the house. The existing house is set back approximately 12 feet from the rear property line and leaves no room for a patio cover without encroaching into the required rear 10-foot setback. The proposed construction also meets rear yard coverage requirements (820 square feet allowed; 775 square feet proposed). The 7-foot encroachment will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is located.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed development and use is compatible and harmonious with uses both on site as well as those on surrounding properties.
  - b. Safety and compatibility of the design of the buildings, landscaping, luminaries, and other site features including functional aspects of the site development such as pedestrian circulation have been considered.
  - c. The project is consistent with the General Plan.
  - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- Plng. 1. A Land Use Restriction executed by and between the applicant and the City of Costa Mesa (requiring that the patio area to remain unenclosed) shall be recorded prior to the issuance of building permits. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a Lot Book Report or current Title Report identifying the current legal property owner so that the document may be prepared.
2. All new and existing construction shall be architecturally compatible with regard to building materials, style, colors, etc. Plans submitted for plan check shall indicate how this will be accomplished.
3. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to final Building inspections. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
4. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.

**PLANNING DIVISION - CITY OF COSTA MESA**  
**DESCRIPTION/JUSTIFICATION**

Application #: PA-05-03

Environmental Determination:

Address: 421 Cambridge Circle Costa Mesa, Ca. 92627

1. Fully describe your request:

*patio cover*

2. Justification

A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

*For privacy, and due to "odd" shape of lot.  
(No Avail. Room For Cover(s) in Rear e. Pool Area)  
Due To Triangle Shape*

3. This project is: (check where appropriate)

☐ In a flood zone.

☐ Subject to future street widening.

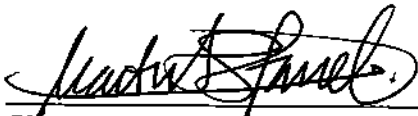
☐ In the Redevelopment Area.

☐ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☐ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.

  
\_\_\_\_\_  
Signature

12/15/04  
\_\_\_\_\_  
Date





# **CITY OF COSTA MESA**

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

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DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,  
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**